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CASE NO.: RPS920030244US1

MAR 2 9 2007

Serial No.: 10/748,919

March 29, 2007

Page 7

PATENT
Filed: December 22, 2003

<u>Remarks</u>

Reconsideration of the above-captioned application is respectfully requested. All pending claims (1-22) have been rejected under 35 U.S.C. §102 as being anticipated by Sumner et al., USPP 2003/0142641.

Also, Claims 7-13 and 19 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has alleged that "computer" should be preceded by "mobile computer" "in all instances", but this is incorrect, see MPEP §2173.05(e) (discussion about "controlled stream of fluid"). Further, Claims 1-6, 8, 9, 14-18, and 19-22 have been rejected as being indefinite for reciting "secure data" and "secure assets" on the ground that these terms have not been defined; however, this also appears to be incorrect under MPEP §2173.02 in that the examiner has not explained why the widely-used and understood term "secure" is indefinite in terms of the present disclosure plus the teachings of the prior art and the definition that one of ordinary skill would accord the term.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

To overcome the rejections, Claim 1 now recites determining whether the second access point is authorized for <u>first</u> secure communication and if so, releasing access <u>of the computer</u> to <u>first</u> secure data on the network through the second access point, <u>and otherwise releasing access of the computer to data other than the first secure data on the network through the second access point</u> as supported on, e.g., page 6, lines 4-10 of the present specification. Independent Claim 7 now recites that, if a predetermined communication

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hardware event has occurred, the computer is configured in a non-secure mode <u>in which data on a network</u> <u>is accessed by the computer but not all secure data available on the network can be accessed by the computer.</u> On the other hand, as now amended independent Claim 14 sets forth permitting the mobile computer to access secure data on the network through the second access point <u>if the second access point is authorized for secure</u> <u>communication, and otherwise granting access to the computer to data other than the secure data through the</u> <u>second access point.</u> Lastly, independent Claim 19 has been amended to require, based on a location or an identification of the access point, <u>either</u> granting the computer access to secure assets in the network <u>or</u> <u>granting the computer access to other than the secure assets in the network.</u>

It appears that the point of Sumner et al. is to manage roaming through various access points of a wireless local area network (WLAN) using a wireless wide area network (WWAN). At no time does Sumner et al. appear to establish the level of data access based on the access point. Applicant acknowledges that the Office Action points to paragraph 63 of Sumner et al. for the proposition that a non-secure mode is entered based on a hardware event, but all this paragraph teaches is that when connectivity is lost the computer goes to sleep to conserve power, in contrast to the claims as now amended.

For completeness, the rejections of certain dependent claims appear to be incorrect. Claims 3, 16, and 21 for instance require a "hypervisor", with these claims being rejected based on an alleged "definition" on page 4 of the specification. The specification, however, does not broadly define hypervisor to be anything other than what the skilled artisan would think it is, i.e., a special operating system that operates on top of the standard O.S. The relied-upon "definition" merely observes that the hypervisor can be a dedicated part of the CPU 16 chip. Since Sumner et al. does not appear to mention "hypervisor" or any cognizable synonym, the rejections of Claims 3, 16, and 21 appear to be incorrect.

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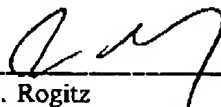Serial No.: 10/748,919   Filed: December 22, 2003
March 29, 2007
Page 9

Likewise, *apropos* the rejections of Claims 6, 9, and 22 based on paragraphs 65 and 66 of Sumner

et al., all these paragraphs teach in essence is roaming from point to point, not that, for any given access point

with which the computer is actually communicating, access to one set of secure data is released which differs

from the secure data that is released when the mobile computer is connected to another access point.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which

would advance the instant application to allowance.

Respectfully submitted,

John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

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